Are corporate bodies psychopathic?

Art by Abby

We owe a cornfield respect, not because of itself, but because it is food for mankind.

In the same way, we owe our respect to a collectivity, of whatever kind – country, family, or any other – not for itself, but because it is food for a certain number of human souls.[1]

– Simone Weil

"Intelligence," for present purposes, is defined as being effective at achieving goals. A core component of psychopathy is an incapacity for empathy. Individuals who combine high intelligence with psychopathic traits are especially dangerous. In the 18th century, David Hume identified a character he called a "sensible knave" fitting this description. Such a person, he realized, would be a challenge to his moral theory, a version of moral sense theory. The theory proposes that at the heart of moral behavior is a capacity for empathy – sympathy, benevolence, other-regard, fellow-feeling, etc., in general, the capacity to subserve self-interest to the interest of others to some degree. Empathy and psychopathy are

1. "The Needs of the Human Soul" in *Simone Weil: An Anthology*, edited by Siân Miles, 110.

on a spectrum. While psychopathy itself may be an individual thing, social environments can magnify its consequences and, hence, its toxicity.

There is power in numbers. Groups can be more ambitious in, and effective at, achieving their goals than solitary individuals. Allied groups are abstract entities in the sense that the institutions that sanction them did not come about through natural biological processes. Abstract entities do not manifest affect. Empathy is an evolved adaptation, no less than self-interest, promoting species survival. Allied groups, of course, *behave*, but they do not have *moral agency,* except in so far as they are socially or legally constructed *as though they did*.[2] Moral agency implies liable to being held responsible as a paradigmatic instance of one would, such as a normally capacitated human. In such individuals, responsibility can be brought to bear from two directions: internal and external. The abstract entity, the allied group, is an inorganic construction with no evolved *internal* mechanism for enforcing responsibility.

Such collective entities have power to affect outcomes having great moral consequences but without internal constraint. It makes them dangerous, and poses a problem for a moral theory, like Hume's, based on a capacity for benevolent affect, suggesting that despite its intuitive appeal such a theory cannot be adequate to explain moral judgment. If moral sense is the only theory in play, then, because of their power, groups can behave with impunity because they can enforce standards of behavior, based entirely on effectiveness of achieving goals and without the internal constraints that may impede individual agency.

Rightness or wrongness, then, answers exclusively to the power to effect.

This may help explain the need for moral theories that are not based on a capacity for benevolence, but rather on some capacity more universal – or, at least, more general. It's important to note again that, since we are addressing humans, an affect of one sort or another will be involved in *every* moral theory,[3] but the feeling cannot be exclusively benevolence.

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2. This will be a point argued for in what follows.

3. I say this because it is still a common mistake to classify Kantian ethics as an exception. Kantian *respect* for the moral law is an affect. And this affect is a *necessary* condition of a moral act according to Kant. Otherwise, you are left with mere conformity or legality, which even non-rationally autonomous agents can ape. *Some* emotion or other, in fact, is at the heart of every major moral theory. For the virtue theorist, it is *vanity*: concern for how others in your community regard you. For the utilitarian, it is a more basic bio-psychologcal motive: *pleasure/happiness-seeking* or *pain/suffering-avoidance* but universalized. Kant's favored affect, *respect for an abstraction – the moral law,* is more rarefied, hence less often recognized as motivating. The moral sentimentalist requires some form of *other-regard* to be the relevant emotion. And if the psychopath is missing this, they will act either *immorally* (in the eyes of others) or *amorally* (from their own perspective), *unless* they are still capable of being subject to one or more of the remaining morally motivating affects. Thus, Kant thought that even one who felt nothing for the well-being of others might *still* do the right thing (on his theory) if they had retained or acquired an *awe* for the extraordinary kind of being they are: one capable of rational autonomy, that is, one capable of self-rule by principle. This awe is the *operative* moral feeling. *If* retained or acquired, it is the least contingent or flaky from among the possible moral motivations. The last resort, so to speak. It is why suicide was *still* immoral on Kant's view. When you have lost all other reasons to live, all in some sense dependent on those around you, this one, founded, as it is, on a realization of the privilege your responsibility confers, still holds because it would apply even if you were the last of your kind in existence. Again, *if* you are capable of being moved by your privileged membership in a "Kingdom of Ends." More on Kant's feeling of *respect* here. Kant's sky-scraping moral theory may be accused of asking too much, but it *does* ask it… and this, more than anything, is what sets it apart.

By “corporate body,” I mean an association, profit or non-profit, public or private, nation and its government, club, team, political party, group on any scale held together by some shared history or purpose, not to exclude a consortium, cartel comprised of any number of smaller corporate bodies, from the United Nations to groups of groups... in short, a collective organized to serve any goal. For purposes of this discussion, I include any group with legal or moral power – even, as Weil suggests, a family. In short, a collective that, because of its size, exceeds the influence of a given individual, both to act and to justify its action.

I am not particularly addressing the prevalence of psychopaths high up in corporate hierarchies, which is more of a psychosocial problem than a conceptual one. It is the psychopathy *emerging* from collectives in which the collectives themselves are psychopathic agents that we focus on here because less recognized.

An argument for why these collectives manifest psychopathic traits goes like this:

Psychopathy is defined by a lack of internal moral qualms when engaging in activity that may negatively affects others. Psychopaths consider their own interests first, and the interests of others – outsiders – only to the extent the latter’s interests may serve their own more narrow ones. A psychopathic agent’s epistemic efforts at determining whether the interests of others serve their own will be limited by their rational capabilities; otherwise, their epistemic carelessness would hobble or defeat their intended goals. *Effective* psychopaths will have strong rational capabilities. Success at achieving their goals is the bottom line for a psychopathic entity. Moral considerations are not among their cardinal concerns except insofar as keeping up moral appearances can be conducive to their proprietary interests. Moral considerations exist to be circumnavigated.

This understanding of psychopathy is usually applied to individuals, but the traits can apply to *corporate* bodies. It is a well documented fact that corporate bodies do not have anything resembling a “conscience” to aid in regulating their behavior.[4] There can be sufficient external constraints on the corporate body that may compensate for the lack of internal ones, but, having to exert pressure from *one* direction, external, where the non-psychopathic individual is subject from *two*, the external constraints must be especially stringent on the collective to be as effective at curbing abuse as *combined* internal and external constraints are in the case of typical non-psychopathic individuals.

Among the explanations for this lack of conscience or internal constraint is the bystander effect: a group or corporate body *as such* is a moral abstraction devoid of sentience or a natural claim to dignity based on integrity; this while the individual constituents of the group have a tendency to fob off responsibility to others or ignore it altogether when in a group. In effect, when things go wrong no entity assumes responsibility, not the constituent members (it can’t be the fault any *one* of them) nor the group (the group is an abstraction without the concrete internal constraints that may curb self-interest). It is almost as if collectives can do no wrong because they are pro-social by design. Responsibility either gets assigned elsewhere, even to amoral natural causes (such as “this is how the world is”). No single individual can be blamed, or responsibility gets diffused so thinly that any given individual’s portion is negligible. Individual members become acclimated to seeing their liability progressively delimited as the size of the group with which they are affiliated enlarges. This can be institutionalized in group norms, e.g., in law. The larger it is, the more self-legitimating, the more shielded from blame

4. There are limits to analogizing between individual and group psychology.

the collective becomes.[5] This, combined with the natural tendency of any party, individual or collective, to accept credit before blame, will conduce to making corporate behavior easier to self-justify.

The net effect is that a corporate body acts like a psychopath. It clearly sees only its own interests. The interests of those outside the group are vague and require external forces or conditions, if they exist, to be attended. Again, in the typical non-psychopathic individual's case, moral constraints operate from *both* internal and external directions, from internalized norms *and* from attunement to social consequences, making responsibility more difficult to evade, dismiss, or rationalize away, while corporate bodies are better empowered to do these very things.

There are likely evolutionary explanations behind why corporate bodies are not psychologically equipped with the necessary empathetic imagination for non-psychopathic agency. One of the obvious ones is that "there is strength in numbers," as they say, including, *strength to act with impunity.* Effective action at group survival trumps moral niceties. That, together with diffusion of agency, probably explain the tendency. Super-organisms, which include corporate bodies, may be less evolved, in one sense, because less vulnerable.[6]

Certainly, in a corporate body, there is also the power to do good on a scale impossible for an individual. All the beneficial accomplishments of civilization driven by communities are testament to this… But a history of mass murder and mayhem track such progress each step of the way, which can also be attributed to an insufficiency of group circumspection and constraint – even, especially, when the group self-construes its behavior as constructive. Groups may not only act with relative impunity, they are *empowered* to judge themselves with greater authority and less scrutiny. The forces to channel strength and maintain focus in a moral direction are weaker. *"Prosocial" is not equivalent to "moral."*[7]

Thus, rule-based moral theories exist to complement more natural empathetic impulses when the latter are absent or insufficient. This is why *consequentialist* and *deontological* imperatives developed. Our "better angels" are too easily distracted, *the more as we act in concert with others.* Both of these theories ask that moral identity be rooted in something more universal than the happenstance of an artificially or naturally constructed community[8]: whether the identity is, in the end, biological, *sentience,* as utilitarians would have it – or, as Kant emphasized, a *cognitive singularity:* the ability to identify with a rational ability that sorts us out from the rest of the natural world.

We *do* have "better angels," right?

The Eighteenth Century Scottish School of "moral sense" theorists thought so. Contemporary moral theories such as feminist Care Ethics follow in this tradition, as do communitarian and Marxist theories. These view human nature as, at least where the impulse is not oppressed, predisposed to benevolence. People, left to their own devises, care about each other. We are, at bottom, social beings, after all. "Dog-eat-dog" social conditions can't fully explain our evolutionary success up to now. We have moved away from Hobbes' state of nature where it is "everyone for himself – and God against

5. The excuse "too big to fail" is rooted here.
6. I assume here *apoptosis* (programmed self-sacrifice) as the ultimate direction of species-level moral development.
7. As an example, Aristotelian Virtue theory, community-based, as it is, does not scale well on a global level, which demands greater tolerance for diversity of value. This theory's "virtue" is ultimately local.
8. *Naturally,* as the moral sense theorists would have it; *anthropogenically,* as the virtue theorists would.

all."[9] According to the moral sense theorists, we possess an innate measure of cooperation and trust, not just because it makes rational sense, but because we *like and want to help* each other – *until, at least, we have an overriding reason not to.* But fellow-feeling is the natural starting impulse. We would have become extinct long ago were this not true. So the moral sense theorists reason.

Moral sense theories, in contrast to the rule-based theories, give people the benefit of the doubt. Thus, Adam Smith, author of the *Wealth of Nations*, the "capitalist manifesto," thought societies benefit by allowing individuals as much liberty as possible to exert their self-interested efforts as they see fit with the least possible interference from government or society. Individuals will be more productive and generate more wealth this way precisely *because* of more potent and primal self-interested motives. *But* – and many miss this critical assumption made by Smith and fellow moral sense theorists – *because humans are also fundamentally concerned for the well-being of others, they will, having amassed wealth, voluntarily wish to use it to benefit others.* This is what motivates the amassing of wealth in the first place, Smith generously wanted to believe, because (in the normal character) it facilitates being in a position of service to others. Poor people can't help other poor people as much. Ergo, seek wealth. It enables eleemosynary effect.

The moral sense theorist need not deny we are inclined to look out for ourselves first. We *must* do that or we won't be in the best position to help anyone else. ("Put on your oxygen mask *first* before you help others with theirs," flight attendants remind us.) But moral sense theorists also believe that, ultimately, we *want to and will* help others, given the chance. We do *both* – look out for number one *and* for other numbers, the first *because* of the second, because we want to *and* because it makes self-interested sense. We are not, by and large, psychopathic or stupid, not *typically* utterly devoid of empathy, nor so shortsighted that we don't see advantages accruing to ourselves in seeking to help others.

Before characterizing the *group* form of psychopathy, we retreat to a bit of the history of the idea.

Hume and the "sensible knave"

David Hume[10] is probably the most interesting moral sense theorist because he conjured up and addressed a major challenge to his own version of moral sense theory: the "sensible knave." He meant by this 18th Century phrase something close to what we today pathologize as a "psychopath." "Sensible," in his historical context, meant savvy. "Knave" still means an unsavory character.

Hume describes how the knave thinks and comments:

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9. To paraphrase film maker Werner Herzog's line from *Stroszek* (1977) and the title of his memoir, *Every Man for Himself and God Against All*. The line may be a tweaked version of "Each man for himself, there is no other (way)" which appears in Chaucer's *Knight's Tale*, (1386), or "Everyman for himselfe and God for us all" as it appears in, *The proverbs of John Heywood.* Being the "Proverbes" of that author printed 1546. Ed., with notes and introduction by Heywood, John, 1497?-1580?, (published in 1874).

10. The Earl of Shaftesbury and Frances Hutcheson preceded David Hume and Adam Smith in the moral sense school. Hume, with his characteristic empiricist rigor, introduced the "knave" monkey wrench into the theory, thus inadvertently setting the stage for others (e.g., Kant) to point out the theory's inadequacy as a full explanation of the human moral landscape. Adam Smith is perhaps the subtlest and least understood of the bunch. He offered a justification for the libertarianism requisite for capitalism foreign to its contemporary apologists.

> ...according to the imperfect way in which human affairs are conducted, a sensible knave, in particular incidents, may think, that an act of iniquity or infidelity will make a considerable addition to his fortune, without causing any considerable breach in the social union and confederacy. *That honesty is the best policy*, may be a good general rule; but is liable to many exceptions: And he, it may, perhaps, be thought, conducts himself with most wisdom, who observes the general rule, and takes advantage of all the exceptions.
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> I must confess, that, if a man think, that this reasoning much requires an answer, it will be a little difficult to find any, which will to him appear satisfactory and convincing. If his heart rebel not against such pernicious maxims, if he feel no reluctance to the thoughts of villany or baseness, he has indeed lost a considerable motive to virtue; and we may expect, that his practice will be answerable to his speculation.[11]

The sensible knave knows that society will punish him if he acts badly. But *only* if society comes to recognize he is acting badly. He is smarter than the typical member of society, often much more so. He is not going to go about malfeasance foolishly – as most others go about being decent. Decency and intelligence do *not* automatically go together. The sensible knave likely won't be caught, and if caught, he will have a plan B and C and more besides, if needed, to escape consequences.[12]

We will distill the concept of psychopathy this way: a person thus characterized is an affront to the moral sense theorist because they

- lack genuine empathetic feelings for others, and
- are, at least, above, if not, far above, average in intelligence.

Combine these traits in an individual or entity, and you get an agent who does not mean well by others, except incidentally, and is competent at disguising this deficiency. The more extreme cases are proportionately toxic. These are expert manipulators who do not get caught being such. In fact, being detected is an indication of failure at being a *true* psychopath. Competency is a mark of psychopathy. If you suspect someone is a jerk, they are a bad instance of it, maybe a wannabe, but a true psychopath leaves no sure evidence – at least none most may act upon. They, by definition, *get away* with moral criminality and almost always with the legal sort. In fact, for them, there is no such thing as *moral* criminality, only the legal sort, and that, *because promulgated by relative incompetents*, is commonly subject to subversion. They will engineer their communal environment so that most in it will regard them highly for their accomplishments – and those few that don't will themselves be subject to

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11. *An Enquiry Concerning the Principals of Morals*, Sect. 9, (1751, 1777).

12. In case anyone doubts the coincidence of *effective* intelligence and maleficence, consider that nearly half of all murderers are *never* apprehended, and the percentage is increasing. Projectcoldcase.org. Rates of criminal apprehension for lesser crimes are even lower. The expression "crime doesn't pay" is *not* correct, *especially so for white collar crime.* If it is true for the cognitively deficient malefactor, one who attempts a career of robbing convenience stores, it is *not* the case for the high-functioning psychopath with advanced degrees we address here. As with any other career choice, *competency* matters. Competency, in the context of crime, expresses itself through *effective exploitation* of the weaknesses of the social fabric: dearth of educational and socioeconomic opportunities for the poor, but not unintelligent, knave, high prospects of material reward for the educationally-enabled one, inadequate training and funding for law enforcement – all institutionalized by the poor judgment of authorities, itself conditioned by political miserliness: the belief we can muster a good society on the cheap... And if effective exploitation can work this well for *individual* savvy maleficence, how much more equipped for success is the *collective* form with its resources. (See our discussion "Boys kill" for more on topic of competency and criminality.)

suspicion precisely for not recognizing what most do. A psychopath will effectively isolate and incriminate their critics.

Also, because they lack natural feelings of benevolence, they also lack those to do with malice.[13] They cannot experience feelings the capacity for which they don't have. They are, in a sense, forces of nature, adiaphorous, *i.e*, amoral or immune to normal moral judgment, as (perhaps) very young children and animals are.

A philosophical question is, however, "are psychopaths really bad or evil people?" Remember, they don't naturally come equipped with the fellow-feeling which often hobbles the average person's capacity for maleficence. They are born that way. We don't ordinarily hold people responsible for characteristics they had no part in creating – the blind, for the disability of not being able to see, for example.[14] *If* some capacity for empathy is the basis for genuine moral behavior, and psychopaths lack it congenitally, they can't be blamed for the lack or the consequences that follow from the lack. Moreover, being exceptionally competent, they may be productive people in many of the ways we value, extra-morally or amorally. In fact, some of that competency may be due to their ability to act with fewer scruples.

The sensible knave's argument:

1. To be *rational* you must be, before anything else, *self-interested*. (Reason is a goal-directed tool. All animals, even plants and single cells organisms, exhibit rational behavior. They do what they need to do with the clear end of survival. And there can be no more self-interested goal than survival.)
2. *If* reason is the slave of the passions (which is a moral sense theorist's assumption: reason is inert, absent some motivating passion),
3. and *a feeling for others* is a passion,
4. and *this passion* is central to morality (the basic claim of moral sense theory and a point of contention with some philosophers, such as Kant),
5. and you don't have this passion, this feeling for others,
6. then your reason is *not* a slave to this passion, i.e., to morality;
7. then you are a "sensible knave," i.e., a psychopath.
8. Then, you may function perfectly well serving yourself absent the impediment that morality is.

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13. A malicious person, a sadist, *is* capable of being moved by other-regarding sentiments, *the wrong*, but still human, *ones*. A psychopath is not a sadist. He or she (the more toxic ones more often, perhaps, *he*) does not hate you. *You don't count, that's all.* The distinction came up in our discussion of the possibility of omnicidal artificial super-intelligence.

14. "Not ordinarily"? Actually, this is not true. It happens more often than most will admit. Consider how we react when a wild animal, a mountain lion, say, kills a human child. We hunt the animal down, pronounce it sick and a danger, and "euthanize" it. Not much effort goes into putting it on trial to make sure we find *the* culpable animal. It doesn't get a court assigned lawyer. If we go through the motions of determining *the* culpable animal at all, the standards of evidence are set unilaterally by our species. Often it is enough if the accused is of the same species as the perpetrator... *The gods were angry with us. We propitiate them by chucking a virgin into a volcano...* (See the case of Provetie, the dog; we have barely progressed since the 1500s.) Never mind that we encroached on the ecosystem of the animal. It would be perverse to entertain the thought that the animal understandably behaved self-preservingly by killing the young of a species bent on the destruction of its own. Or it was just hungry… as though hunger had nothing to do with self-preservation. Val Plumwood discussed existentially the idea of "humans as food." An ecofeminist, she was almost eaten by a crocodile.

9. In fact, you may function *better* in your self-interest than someone encumbered with a feeling for others, i.e., morality. This may be because your end is *simpler;* your reason is less burdened with complications.

Their competency at knavery is often exploited by larger psychopathic corporate bodies which benefit from using their moral unscrupulousness as effective means for the larger group's ends. If their facility for ruthlessly amassing wealth is seen as beneficial to the community, they may be more than tolerated; they will be tended and nurtured for that very reason. We can say a morally hapless psychopath can be a victim, in the morally objectionable sense of being "used," despite their ostensive self-interest.

These larger corporate bodies or superorganisms we might characterize as *super-psychopathic*, since no constituent of the body escapes being *used* – not those with, or without, any set of feelings, again, because these bodies are abstract entities and know nothing of feelings. These bodies exploit publicly scrutable behaviors, not private subjectivities where feelings reside.

The term "psychopath" retains negative connotations in the sense that natural calamities do, but not in the sense of properly characterized "evil-doers" – at least not while staying within the purview of moral sense theory. Hume's "sensible knave," no matter how competent and rational, we want to say, is still a knave... We will explore further what is going on here.

Can one be logical *and* immoral at the same time?

Is the capacity for *moral* rationality separable from that for rationality in general, *i.e., logical* rationality[15]? Bluntly, can one be smart *and* behave badly at the same time?[16] Traditionally, most moral philosophers, and people at large, find these capacities easily coexist in the same person, even in the same act, since concern for logic and ethical considerations are compartmentalizable. A rationally capable agent may be fully informed on the truth value of their premises, not be mistaken in the reasoning leading from their premises to their conclusion – whose character, judged at least by others, is immoral – *without sensing, or feeling themselves compelled to sense,* the immorality. Hume's sensible knave is an example. An artificial superintelligence would be another. It's possible some animals may also be to some degree – if we accept continuity in the evolved capabilities of humans and animals.

Some thinkers, such as Anne Schwenkenbecher, in her discussion of corporate responsibility entertain the possibility this is not true:[17]

> ii. The second feature to be discussed here is psychopaths' flawed rational capacities. To state that psychopaths typically or regularly show deficits in rationality may be surprising to some readers: it is not in accordance with a popular view on which

15. I redundantly qualify "rationality" to take into account the view under discussion, which appears to conflate moral and logical reasoning. The view is seemingly oblivious to the idea that logic is normativity aimed at correctness in *thinking*, while morality at *behavior.* I find these normativities quite distinct.
16. Or the converse: being dumb and doing good. Consider the case of Motti Ashkenazi: "The Bomb Thief and the Theory of Justification Defenses," Paul H. Robinson, *Criminal Law Forum*, vol. 8, no 3. (1997).
17. Quoting from: "Are Corporations Like Psychopaths? Lessons On Moral Responsibility From Rio Tinto's Juukan Gorge Disaster," Anne Schwenkenbecher, *Business Ethics, the Environment & Responsibility,* 2024; 0:1–12. See her piece for empirical citations.

> psychopaths are hyper-rational, ruthless agents. So let us therefore explain what we mean by "rational" in this context and what aspect of rationality we are interested in.

> According to philosopher Jeanette Kennett, the behavior of psychopaths "is characterized by impulsivity and irresponsibility"... Kennett's main focus is on the imprudence of psychopaths, including their apparent inability to correct their own behavior. As shown in empirical research, they struggle to self-correct their behavior even where it is clearly contrary to their interest... She thinks that this reflects "an absence of any compelling ends and complete indifference to standards of consistency and coherence".. She adds that "[i]f you don't notice and you don't care when your actions would undermine a value you claim to hold then you don't in fact hold that value"... In other words, there is a specific type of incoherence and inconsistency that is typical of psychopaths.

This understanding of psychopathy ignores the particularly toxic type identified by Hume in the "sensible knave." Kennett seems to be describing an "incompetent psychopath" (a bit of a oxymoron if we assume the hyper toxic variety of interest to most moral theoreticians). These incompetents are limited in the damage they do *precisely because* of their short-sightedness. The standard view, alternatively, may even allow for describing the knave as not so much smart as the general run of the population stupid. A condition of toxicity is the *relative intelligence difference* between the sensible knave and the general run of humankind. Schwenkenbecher goes on,

> Empirical findings show how psychopaths' damaging behavior "is due in part to their uncanny ability to focus myopically on their selected goal"... with regard to single task scenarios. This ability for myopic focus might be the reason that they are seen as hyper-rational but it is really just one side of the coin of an exaggerated attention bottleneck [recalling autism]. According to Baskin-Sommers and Brazil, psychopaths are better than other people at ignoring "goal irrelevant distractors" than others for non-complex tasks... However, the picture changes when tasks become more complex: psychopaths have deficits "where trying to process multicomponent" information ... and "social interactions are cognitively and conceptually complex"...
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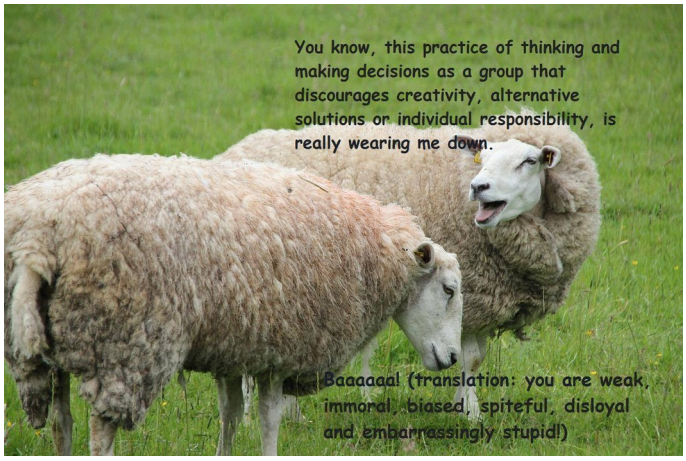
> This exaggerated attention bottleneck may be the underlying reason for both the deficient emotion capacities and deficient rational capacities with regard to complex processing. The second philosophical argument concerning psychopaths is that these rational deficiencies diminish their agency as such, not just their moral agency.

I suspect conflation here: *general* rationality and its *moral* application are separable. As we noted, this is demonstrated in nature and in AI. There may well be an "underlying attention bottleneck" causing a deficit, but this is not the type of psychopathy of concern here – if it is a "type" at all and not a generic cognitive deficiency. It seems rather a *stupidity* of a sort, *or would*, if *innate* stupidity were morally culpable.

While I agree with Schwenkenbecher that corporations *should* be held morally/legally liable (in fact, more emphatically than her argument suggests), I don't think an appeal to *emergent* feelings in corporate bodies makes for a good case for that conclusion. My argument for the same conclusion is more Kantian: *all and only* rationally capable agents – who *also* can be subject to *awe* (with the humility and self-abnegation genuine instances of that feeling imply) at the cosmic realization of their

privileged status[18] – may be morally liable. Corporations, as such, cannot meet this latter condition. But, because corporate bodies are the instruments of individuals, who taken singly, *are* subject to these conditions, these individuals cannot evade responsibility for the predictable consequences following from their abstract instruments, the corporate bodies. Corporate bodies *cannot* function as moral proxies. These cannot serve as "a fall guy" or function as scapegoats. The buck stops with *individuals* comprising corporate bodies.


You know, this practice of thinking and making decisions as a group that discourages creativity, alternative solutions or individual responsibility, is really wearing me down.
Baaaaaa! (translation: you are weak, immoral, biased, spiteful, disloyal and embarrassingly stupid!)

To drive the point home: while I argue that capital punishment may *only* be instrumentally – *never* morally – justified at the *state* level, a given *individual*, or given *individuals*, may *voluntarily* accept responsibility for a capital crime following from their deliberate behavior, as executioner, should it be the case their "victim" is, *post-execution,* determined to have been *innocent*. If an innocent is executed, the executioner, *fully cognizant of the chances they were taking*, must be subject to the death penalty as well.[19] The assumption of responsibility is optional *before* the execution, not *after.*

A corporate body (including a government) may not assume this responsibility because there is no authority higher capable of enforcing its own "execution," that is, the destruction of the maleficent corporate body. If a corporate body is responsible for a crime, some constituent must pay, in its place, as though they personally committed it. Since we cannot foist such responsibility on anyone, the corporate body must *hire* someone to *voluntarily* take it on. The qualifications for this role would be steep and necessarily so, *but someone must pay.* Corporate bodies cannot become instruments of moral evasion.[20] In any case, the retributive justice, restoration, and moral equilibrium owed the community must be proportionate to the offense. The potential magnitude of damage in the case of psychopathic corporate maleficence can far exceed that of an individual, morally hapless, psychopath. Nothing *internal* to a corporate body will stop it from the effective goal achievement it was designed for. Formidable *external* constraint must limit the institution. The legal fiction of a "corporate person" is just that: a fiction. It is the first enabling step in legally sanctioned, predicable corruption.

For-profit corporations and governments[21] are the most salient examples of the collective entities I am addressing, but the principle applies to *any* human association powerful enough to engage in acts with grave moral consequences. These two classes of corporate body happen to be top contenders because of their prominence.

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18. This rules out non-biological affectless entities such as artificial general intelligences, as well as biological but affect-deficient ones, including psychopaths.
19. And an *incognizant* executioner of an innocent is, at worst, a manslaughterer.
20. A CEO may *deserve* their pay grade if they are willing to assume *personal* responsibility for the crimes of the corporation they officiate – *up to and including the death penalty if their community deems this penalty appropriate for anyone*. For instance, the case of Brian Thompson: again, we are not suggesting his killing was legal, rather, that it may have qualified as *morally* defensible to the extent *any* killing is. (Legality and morality are *not* coextensive.)
21. Political philosopher Elizabeth Anderson has noted the *likeness* in her descriptions of these power concentrations, calling one a *private* government and the other a *public* one. Morally, there is no difference. The distinction between private and public is adiaphorous.

To the point made by some, that psychopathic corporate behavior is due to the sway of psychopathic *individuals* high up in positions of corporate authority and not, inherently, to the structure of the institutions themselves, I respond that such individuals are themselves *the instruments of those who permit them that authority.* To the extent *anyone* is responsible, *everyone who benefits* from the existence of a corporate body is responsible.

Psychopathic entities are not strictly-speaking "evil"; they are dangerous. The corporate form of psychopathy is a precursor to *anthropogenic* calamity.[22] It is a cultural contribution to the fund nature has always generously supplied.

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The core controversy is whether rationality and morality *necessarily* go together, or can exist separated. The possibility of the sensible knave/psychopath suggests the two can manifest separately. Hume's critics in his time found this separation incoherent on the assumption that, in the long term, things will go badly for this character – in the afterlife, if not on earth.[23] Hence, this character is imprudent, unintelligent, and not rational. But for the irreligious Hume,[24] the afterlife was not a place with precise coordinates. That leaves earth, and earth displays many instances of sensible knaves who do at least as well as, if not better than, the conventionally decent – in *earthly* terms, of course, the only terms assured. Comeuppance for the sensible knave/psychopath, *if* it happens at all here on earth, is a matter of pure contingency.

The controversy persists to the present as we can see in the just discussed article by Anne Schwenkenbecher where she finds rational disability associated, and not incidentally, with immoral behavior at both the individual and corporate level.

It has been held or implied by major philosophers, including Kant, explicitly by arch-Kantian Otto Weininger, and likely Wittgenstein (deeply influenced by Weininger) that ethics and logic, and even aesthetics, are tightly connected, that is to say, "are one."[25] But we interpret this claim of unity as *normative, not descriptive.* Logic, ethics, and aesthetics, are indeed tight *conceptually* in that these – *and these exclusively* – are the source of all normativity, the fount of all secular attempts at norms, rules, or values. But the singularity is an *ought*, not an *is*. Hume's *empirical* assertion of the possibility of their separate manifestation is, therefore, not in conflict with the idea of normative unity in general.

When following orders is not an excuse

As of the time of this writing, in the U.S., there is controversy over whether a member of the military may excuse themselves for executing unlawful orders because they were ordered by superiors to carry

22. Corporate delict is banal in Hannah Arendt's sense. *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963). Eichmann was executed because *someone* had to be executed. Someone *had* to be sacrificed to the gods responsible for our collective perversity. Eichmann was proximate. He was banal.
23. See the Charles Pigden discussion in Appendix II below.
24. As the SEP entry on Hume and religion makes clear, irreligion is not be confused with atheism. Hume's radical skepticism is incompatible with *both* belief *and* unbelief. One *need* not truck in doxastics at all.
25. Weininger writes, "Logic and ethics are... one" in *Sex and Character,* Part II, Chapter 7, (1903), and Wittgenstein, "Ethics and aesthetics are one" at *Tractatus Logico-Philosophicus,* 6.421 (1922).

them out. The context is President Trump's ordering extrajudicial killings in the Caribbean and deployment of the military on U.S. soil to control U.S. citizens. These acts are illegal according to international and national law, respectively. A member of the military who is charged with violating these laws cannot defend their actions by deferring responsibility to higher ranking individuals or institutions.[26] This has been established by international agreement since at least the end of World War II. *Why?*

Why are individual agents not allowed to seek legal – and, by implication – moral cover from the corporate structures they serve? What is the point of insisting on holding an individual, *causally* proximate to an act, responsible when the institution they serve expressly adjures them to follow its orders and commit the act, when the institution they serve is empowered to compel obedience under penalty? These individuals are being held criminally responsible when they are acting illegally *as individuals*. A presumption must be that they are trained and expected to know when and where what they do is legal. There is insistence on this – even when they are not *authoritatively* proximate to the acts in question. How much *more* should this apply to those *authoritatively* invested.

We appear to be holding to a ritual[27] of placing responsibility somewhere it is conceptually *convenient* to place it, with those proximate to the act – whether this is the most morally defensible place, or not. Pragmatically, it seems we wish to place any one, no matter the degree of their involvement, on notice – to pin responsibility where it is least likely to require major revision of corporate institutions. Morally, though, this placement is a blunt move. If institutions grant authority to individuals or themselves, they – *the authoritatively invested* – must bear the brunt of the blame…

If an individual soldier commits a violation of law worthy of being punished by court martial, imprisonment, or, if allowed, capital punishment, the chief executive who ordered the violation should face exactly, *at least*, the same consequences: removal from office, imprisonment, even execution. "At least" because of the scope of power *and attendant responsibility* invested in the chief executive, the agent invested with authority.

Why should this be any different for crimes committed in the service of *any* corporate body?[28]

If rolling heads are permitted, we may need to roll some... I argue for the *moral* permissibility of the death penalty when the individual who executes it knowingly and voluntarily takes on the moral consequences. A corporate institution cannot itself take these on.[29] It must recruit someone who will, or lose it moral dispensation. If it refuses to do this, it loses its right to exist. It becomes subject to dissolution. If it is law-giving institution, such as a private or public government, it loses the moral warrant that would otherwise shield it from disrespect.

For offences, as for crimes, the relative degree of immunity should increase, not as you go up, but as you go down the social scale. Otherwise the hardships inflicted will be felt to be in the nature of constraints or even abuses of power, and will no longer constitute punishments. Punishment only takes place where the hardship is accompanied at some time or another, even after it is over, and in retrospect, by a feeling of justice.

26. First hand testimony.
27. I call these "rituals" because they are rooted in ancient practices, not wholly rational (e.g., vengeance). We attempt "civilization" by underwriting impulses with values and adducing "reasons" to support them.
28. Again, consider the killing of Brian Thompson. Extrajudicial, no more nor less than the killing of Venezuelan fishermen.
29. I oppose the death penalty but not for the usual reasons.

– Simone Weil[30]

Where all are guilty, no one is; confessions of collective guilt are the best possible safeguard against the discovery of culprits, and the very magnitude of the crime the best excuse for doing nothing.

– Hannah Arendt[31]

What to do about – or how to face – psychopathy?

The individual sensible knave or high-functioning psychopath may be identified. You find them at the top of almost all power concentrations, public or private. The problem is how they may be managed given their usefulness to certain social ends. Their moral callousness is commonly harnessed by institutions to serve what many would deem constructive ends: wealth generation, national security, health policy, law enforcement, or single-minded efficiency in the promotion of any of these… But, at least, enforcing *plural* values in the case of individuals has a clearer target. Diffusing power concentration, in these cases, is easier to conceive. Efficiency *cannot* be the name of the game.[32] That much is clear.

The collective sort, on the other hand, the super-psychopathic corporate body, is a *self-legitimizing power concentration* almost by definition: a private or public government. A "private government," in Elizabeth Anderson's sense, compasses most large corporate bodies, profit driven or not.[33] In the private sort, shareholders who determined boards of directors and CEOs are, themselves, not elected by, and do not represent in any sense, *all whose lives are affected* by shareholders' decisions as, in theory, happens in "democratic" public governments. Regime change or regulation in super-psychopathic corporate bodies is problematic because of the *diffuse* nature of their agency and responsibility. *Power is concentrated, but responsibility is not.* That is the problem. It goes wanting.

What permits the formation of super-psychopathic corporate bodies?

There is a doctrine, often lip-serviced, about governments being comprised "of laws," as opposed to persons. Laws are social constructs with the end of providing frameworks where competing human interests may operate. Constitutions are meta-laws, more abstract and less malleable by design, setting boundaries to laws. But even constitutions require *scheduled* revision in societies subject to human vagary. An *evolving* civilization entails revisiting its meta-laws with a clearer view to what is changing. If it isn't scheduled, revision is vulnerable to being fitful and violent.

Meta-laws or enumerations of founding values or constitutions must be ever vigilant to conditions that allow the formation of super-psychopathic corporate bodies.[34] Vigilance, at this time, is not instantiated anywhere in the world, certainly not in the West.

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30. "The Needs of the Human Soul" in *Simone Weil: An Anthology*, *123-4.*
31. *On Violence*, (1969), p. 65.
32. To insist that it is, is to operate in perennial crisis mode, creating an incentive for maintaining this mode.
33. What is relevant is whether it is *power-driven*, whether it *concentrates* power.
34. The "separation of powers" notion is typically subverted in political practice. Current events in the U.S. illustrate, the conditions for which were set in 1789. For a possible remedy, see the "Magical thinking about democracy" series.

As for inevitable lapse into lip-servicing meta-laws… I can only suggest periodic revolutions, we might hope less violent each time.

Resources

- On *psychological egoism*: "'We're All Selfish' | Philosophy's Darkest Idea," Joe Folly addressees some of the philosophical implications.

- "Are Corporations Like Psychopaths? Lessons On Moral Responsibility From Rio Tinto's Juukan Gorge Disaster," Anne Schwenkenbecher, *Business Ethics, the Environment & Responsibility,* 2024; 0:1–12.

- "Moral Sentimentalism," Antti Kauppinen, *SEP.* Excellent overview of moral sense theory.

- "The Influence of Psychopaths: Why Humans Are Better Than We Think | Frankly 108," Nate Hagens. "...Nate reflects on intraspecies predation (ours) and the impact psychopathic actors have on the mean and median of human behavior – in the past all the way up to our modern society. Human evolution was shaped by both cooperative, pro-social behavior and a competitive, predatory approach for survival – resulting in a balanced distribution for most of humanity's existence.

  "But, as agriculture, surplus, and other factors propelled more hierarchical social structure, aggregate human behavior and culture has slowly shifted over time to express more psychopathic traits. This thread of behavior continues to run through our modern society, where a relatively small (but disproportionately powerful) segment of the human population can pull societal behavior towards anti-social and individualistic values – even if the majority of people still inherently operate from a place of reciprocity.

  "Why might our modern society provide a more fruitful breeding ground for psychopathy than past societies did? What do chickens and eggs have to do with psychopathy and the economic superorganism? And ultimately, what strategies could we begin to think about in order to shift mean and median human behavior back towards a more cooperative, prosocial middle?"

- "What the Covid inquiry ignored," Freddie Sayers, *Unherd*, 21 November 2025. "UnHerd's Freddie Sayers gives a blistering reaction to the UK's £200 million COVID inquiry, tearing apart the official narrative. After 800 pages, the report reaches the conclusion that Britain's only mistake was not locking down sooner – but at what cost? From the missing chapter on Sweden's success to the ignored collateral damage inflicted on a generation of children, was the lockdown experiment actually a civilisational error that the state is now too afraid to admit? And is the inquiry an establishment whitewash that sets the stage for future authoritarianism?" Sayers describes a "corporate body" of, literally, "global" proportions behaving psychopathically: a single-focus, blindness to self-critical evaluation, self-justifying, perfect instance of groupthink – too invested in itself to admit error. Related to Sayer's editorial is this

interview with Oxford a theoretical epidemiologist, "Prof. Sunetra Gupta: The arrogance of the Covid models," also at *Unherd*.

- "A 'Sensible Knave'? Hume, Jane Austen And Mr Elliot," Charles R. Pigden, *Intellectual History Review,* (2012), 22 (3):465-480. See Appendix II.

- "Capital Punishment: to blot out from the catalog of the living," Bianco Luno and Victor Muñoz, *Aporia.net*, 2009. *If* we insist on the death penalty, what does it *morally* entail?

- "Moral Unreason: The Case of Psychopathy," Heidi Maibom, *Mind & Language*, April 2005. Maibom discusses the other, less interesting, conception of psychopathy, still common in the literature… the psychopathology of *plain* knavery – not Hume's *sensible* sort and of interest here.

Appendix:

I. the early history of a "corporate body" in law

From Wikipedia:

> The concept of legal personhood for organizations of people is at least as old as Ancient Rome: a variety of collegial institutions enjoyed the benefit under Roman law.
>
> The doctrine has been attributed to Pope Innocent IV [c. 1195-7 – 1254], who seems at least to have helped spread the idea of *persona ficta* as it is called in Latin. In canon law, the doctrine of *persona ficta* allowed monasteries to have a legal existence that was apart from the monks, simplifying the difficulty in balancing the need for such groups to have infrastructure though the monks took vows of personal poverty. Another effect of this was that, as a fictional person, a monastery could not be held guilty of delict due to not having a soul, helping to protect the organization from non-contractual obligations to surrounding communities. This effectively moved such liability to persons acting within the organization while protecting the structure itself, since persons were considered to have a soul and therefore capable of negligence and able to be excommunicated.

The legal concept of corporate person or *persona ficta* has no basis in any *moral* theory, not even Divine Command Theory. It was, from the start, a political machination.

II. Jane Austen on the sensible knave

From Charles Pigden's article on Hume, Jane Austen, and the sensible knave:

> 17
> Although it may be impossible for normal human beings to formulate their moral opinions without feeling – and being moved by – the moral sentiments, this is indeed possible for

*ab*normal human beings, who are lacking or deficient in ordinary human feelings. And the sensible knave is supposed to be just such a person.

28
It seems to me that if someone had tried to paint a literary portrait of a Humean sensible knave they could hardly have done better than Jane Austen's Mr Elliot **[*Persuasion*].** And it is because she could not have done better if she tried that I inclined to think that she was in fact trying. Mr Elliot is definitely a knave and emphatically sensible, as Austen makes repetitiously clear.

But this rolls us towards the overwhelming question. Does Austen agree with the RSK [Rational Sensible Knave], the thesis that the sensible knave cannot be argued out of his knavery by any appeal to reason? The answer, I think is yes (absent a future state). Mr Elliot has the right opinions. He knows that some actions are right since they arouse general approbation, and that some are wrong since they arouse the contrary emotion. But lacking these sentiments himself, he has no desire to do the right and avoid the wrong, except in so far as this is necessary to maintain a good reputation. Nor, if we confine ourselves to this life, is he making any kind of mistake. There is nothing irrational about failing to act on sentiments that you are temperamentally incapable of feeling.

This is not to say that being a sensible knave has no drawbacks, for it is possible to miscalculate and come a cropper. Though Mr Elliot betrays with moderation, he does not quite manage to do it with the secrecy that he intended. Having dumped Mrs Smith, he forgets [29] about her, never imagining that this ghost from the past might arise in Bath to reveal his secret self to the highly desirable Anne Elliot. But though his best plan of domestic happiness is deranged, and his best hope to keep Sir Walter single by the watchfulness which a son–in–law's rights would have given him is discomfited, he can nevertheless do something 'for his own interest and his own enjoyment' (P, 2.12/201). He is still a rich man and a potential baronet still, and his betrayals are not widely known. He quits Bath in company with Mrs Clay whose caresses will probably afford him some consolation for his recent disappointments. We might not want to be Mr Elliot with his impoverished emotional life, but then he might not want to be us with our pointless sentiments and scruples. Not such a bad day for the sensible knaves. The bad day, if it comes, will come with the last trump.

Presentation notes

We explore:

- psychopathy: explain what it is, conceptually;

- its taxonomy: we consider three types: two *individual* types: the common *plain* sort and the rarer but more toxic *high-functioning* kind, and *corporate* manifestations of psychopathy, often potentially the most damaging; we mainly deal with the latter two (the *plain* sort seems characterized with a view toward therapy rather than moral understanding);

- the rarer but more toxic high-functioning sort poses a problem for one major moral theory: “moral sense” or “moral sentimentalism” which will lead to a discussion of the “sensible knave,” a troublesome figure proposed by David Hume in the 18th Century;

- Jane Austen’s fictional illustrations of Humean sensible knaves;

- where moral sense theory falls in relation to other moral theories, and why, though important, it is, by itself, inadequate partly because of the intrusion of the sensible knave/high-functioning psychopath;

- whether psychopathy also involves *rational* deficiency as well as the *moral* deficiency – some recent discussions say it does, on the traditional view (e.g., Hume’s) moral and rational deficiency are entirely separate;

- the collective form: how groups manifest psychopathic traits and why this is important along with some examples;

- and the lessons, if any, we might draw from all this.

the philosophy club

Extended writeup for the topic hosted at
The Philosophy Club in December 2025
Accessible at Archive.org

– Victor Muñoz
Guanajuato / Seattle